

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

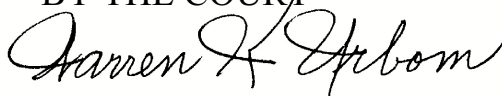
JAMES E. SHERROD,	)	4:12CV3121
	)	
Petitioner,	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER ON APPLICATION</b>
v.	)	<b>FOR LEAVE TO PROCEED IN</b>
	)	<b>FORMA PAUPERIS AND</b>
MARIO PEARL, Warden, and LCC,	)	<b>DECLARATION IN SUPPORT</b>
	)	<b>THEREOF</b>
Respondents.	)	

James E. Sherrod, the petitioner, has filed a Petition for Writ of Habeas Corpus under [28 U.S.C. § 2254](#) (filing no. [1](#)), an Application for Leave to Proceed in Forma Pauperis and Declaration in Support Thereof (filing no. [2](#)), and a copy of his institutional trust account statement (filing no. [3](#)).

Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). However, pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#), and after considering Sherrod's financial status as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the fee at this time.

IT IS THEREFORE ORDERED that the Application for Leave to Proceed in Forma Pauperis and Declaration in Support Thereof (filing no. [2](#)) is provisionally granted and Sherrod will not be required to pay the \$5.00 fee at this time.

Dated June 21, 2012.

BY THE COURT  
  
Warren K. Urbom  
United States Senior District Judge